



DONALD WOLFE, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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IN REPLY PLEASE

REFER TO FILE: **C-1**

June 29, 2006

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**RESCIND AWARD AND REJECT BIDS
PROJECT ID NO. WMD0000050
DOMINGUEZ GAP SPREADING GROUNDS
DOMINGUEZ GAP WETLANDS
SUPERVISORIAL DISTRICT 4
3 VOTES**

IT IS RECOMMENDED THAT YOUR BOARD:

1. Rescind the actions taken by the Board on June 20, 2006, on Item No. 89, Project ID No. WMD0000050, Dominguez Gap Spreading Grounds, Dominguez Gap Wetlands, in the City of Long Beach (4), that (a) implicitly found the lowest bidder to be nonresponsive and (b) awarded the contract to the next lowest bidder with an active C27 license.
2. Reject all bids received on June 1, 2006, for this project.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

On June 1, 2006, four bids were received in response to the Board's April 18, 2006, action adopting the plans and specifications and calling for bids to construct The Dominguez Gap Wetlands project. At the Board meeting on June 20, 2006, Agenda Item No. 89, we recommended award of the contract to the lowest bidder, Griffith

Company. The second and third lowest bidders, Environmental Construction, Inc., and Los Angeles Engineering, Inc., respectively, protested award of the contract to the lowest bidder based on their interpretation of the solicitation requirements relative to contractor licensing and experience. After discussion with Public Works staff and the protestors, your Board implicitly found the lowest bidder to be nonresponsive and voted in favor of a motion to award the contract to the next lowest bidder with an active C27 license.

On June 22, 2006, we received correspondence from counsel representing Griffith Company protesting award of the contract to the second lowest bidder with an active C27 license on a variety of grounds.

Upon further review of the contract specifications, we determined that the specifications regarding the minimum license and experience requirements may be ambiguous and misleading to bidders. Under the circumstances, we recommend your Board rescind the actions that (a) implicitly found the lowest bidder to be nonresponsive and (b) awarded this contract to the next lowest bidder with an active C27 license. In addition, we recommend that your Board reject all bids as being in the County's best interest. We will revise our contract specifications to clarify the license and experience requirements, which will provide for a clear and consistent bidding opportunity. We will bring this project back to the Board at a later date to readvertise for bids.

Implementation of Strategic Plan Goals

This action is consistent with the County Strategic Plan Goal of Fiscal Responsibility since it will allow Public Works to modify the contract documents to clarify the requirements providing for a clear and consistent bidding opportunity for all bidders.

FISCAL IMPACT/FINANCING

The cost to readvertise this project will be minimal. Funding of \$2.3 million in Proposition 13 Nonpoint Source Pollution Control Program grant funding has been secured to finance a portion of the cost of this project. As a result of this recommended action, we have contacted the State and are working to get the grant reimbursement deadline extended.

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FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The "Instructions to Bidders" included in the bid documents provides for the rejection of all bids by your Board if such action is in the best interest of the County.

ENVIRONMENTAL DOCUMENTATION

There is no environmental impact associated with the recommended action. On January 17, 2006, Synopsis No. 30, your Board approved the Environmental Impact Report for this project.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

There will be no impact on current services.

CONCLUSION

Please return one adopted copy of this letter to Public Works.

Respectfully submitted,

DONALD L. WOLFE
Director of Public Works

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cc: Chief Administrative Office
County Counsel
Office of Affirmative Action Compliance